

FILED
Clerk
District Court

FEB - 8 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR- 05-00021-001

February 8, 2006
10:00 a.m.

UNITED STATES OF AMERICA -v- DOLORES TOMOKANE

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
JAMIE BOWERS, Assistant U. S. Attorney
JOSEPH CAMACHO, Counsel for Defendant
DOLORES TOMOKANE, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Joseph Camacho. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

Government moved to **unseal the plea agreement**; no objection from the defense; Court so ordered.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended a sentence of probation and full restitution. Defense recommended a sentence of probation.

Ms. Tomokane made her allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **DOLORES TOMOKANE** is hereby sentenced to a term of three years probation. The term probation will commence immediately and will require that the defendant comply with the following conditions:

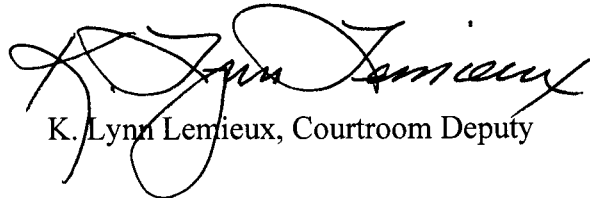
1. That the defendant shall not commit another federal, state or local offense;
2. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The mandatory condition under 18 U.S.C. §3563(a)(5), that the defendant submit to one drug test within fifteen days of release on probation and at least two periodic drug tests thereafter, is **suspended** based on the defendant's low risk of future substance abuse;
3. That the defendant shall submit to the collection of a DNA sample at the descretion of the United States Probation Office;
4. That the defendant shall comply with the standard conditions of probation as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. §3563;
5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon or have such where she resides;
6. That the defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer;
7. That the defendant must provide the probation officer access to any requested financial information;
8. That the defendant shall perform 300 hours of community service under the direction of the U.S. Probation Office; and
9. That the defendant shall make an effort to gain employment in order to pay her restitution

It was further ordered that the defendant pay restitution, which is due immediately after sentencing, in the amount of \$18, 711.00 to the Clerk of Court, U.S. District Court for the Northern Mariana Islands, for disbursement to the Social Securityt Administration - MATPSC, P.O. Box 2861, Philadelphia, PA 19122. It was further ordered that the defendant pay a special assessment fee of \$100 to be paid immediately after sentencing. Court ordered that any fines would be waived as it has been determined that the defendant is unable to make the minimum fine payment.

Defendant shall meet with the U.S. Probation Office to make a payment schedule to pay her restitution.

No objection to the sentence by the attorneys. Defendant was advised that she had previously waived her right to appeal the sentence in this case but that if she or her attorney find any other reason in which to appeal that she had ten days in which to do so. Further, the defendant was advised of her right to an attorney for appeal.

Adj. 10:20 a.m.

A handwritten signature in black ink, appearing to read "K. Lynn Lemieux". The signature is stylized with large, flowing loops and a prominent initial "K".

K. Lynn Lemieux, Courtroom Deputy